

### **REMARKS/ARGUMENTS**

The application has been amended in response to the Final Office Action dated May 14, 2004. The pending and amended claims overcome the rejections of claims 1-21 based on the applied references. New claims 22-25 have been added, and claims 4 and 13 have been canceled. No new matter has been added. Reconsideration is respectfully requested.

#### **Pending Rejections**

Claims 19-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. The Final Office Action states that “the newly added limitations to claim 20, are confusing the Examiner, as they are redundant. The same limitations are mentioned twice in the same claim”

Claims 1, 6-10, 15-18 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,918,232 to Pouschine *et al.* (“Pouschine *et al.*”).

Claims 2, 5, 11 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. Pouschine *et al.*, further in view of U.S. Patent No. 6,574,623 to Leung (“Leung”).

Claims 3-4, 12-13 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pouschine *et al.* further in view of U.S. Patent No. 5,584,024 to Schwartz (“Schwartz”).

REJECTIONS UNDER 35 U.S.C. §112, Second Paragraph

Applicant has amended claim 19 to delete the language that was causing the Examiner confusion. Accordingly, Applicant submits this rejection has been overcome and respectfully requests that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103(a)

Although Applicant disagrees with the propriety of the rejections proposed by the Office Action for claims 1-21, Applicant has nevertheless amended the claims to clarify distinctions between the claims and the cited references.

Specifically, independent claims 1, 10, and 21 have been amended to further distinguish the claimed invention from the cited references. Claim 1, a system claim, now recites that the “process optimization module includ[es] an intermediate data processing method module for evaluating a plurality of methods for generating intermediate data sets within the data source(s).” Claim 10, a method claim, now recites the step of “evaluating a plurality of methods for generating intermediate data steps.” Claim 21 now recites that “the process optimization module serving to evaluate a plurality of methods for generating intermediate data sets.”<sup>1</sup> These amendments highlight a distinguishing feature over Pouschine *et al.*, namely the ability to evaluate a plurality of methods for generating intermediate data sets.

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<sup>1</sup> The amendments to claims 1 and 10 respectively incorporate the limitations of dependent claims 4 and 13, now canceled.

Applicant agrees with the Examiner that Pouschine *et al.* does not teach or suggest “the step of generating intermediate data sets and the ability to reuse them,” but respectfully disputes the apparent contention that Schwartz discloses an “intermediate data processing method module for evaluating a plurality of methods for generating intermediate data sets within the data source(s),” as recited in amended claim 1, for example. Indeed, as evidenced by the Schwartz excerpt referenced in the Office Action, Schwartz merely discloses a “conceptual layer” composed of information derived from a database:

FIG. 5 shows a high level block diagram of an intelligent query system that embodies the principles of the invention. It is composed of two parts, the Query System 1 and Conceptual Layer 2. ***Conceptual Layer 2 is composed of information derived from database 3, including table and column information, and information entered by an administrator to provide more intuitive access to the user.*** Query System 1 uses the information from Conceptual Layer 2 as well as general knowledge about SQL and database querying to limit the user in building queries to only those queries which will produce semantically correct results.

See Schwartz, Col. 9, lines 32-42 (emphasis added).

Applicant respectfully submits that a “conceptual layer” for “limit[ing] the user in building queries to only those queries which will produce semantically correct results” is not the same as an intermediate data processing method module for evaluating a plurality of methods for generating intermediate data sets within the data source(s), recited in amended claim 1, for example. Indeed, Schwartz says nothing about a plurality of methods for generating intermediate data sets, much less any evaluation thereof. Claims 10, 19 and 21 include language similar to claim 1 and are thus distinguishable for the same reason.

Further, as previously asserted, the Office Action fails to set forth a proper motivation to combine the disclosures of Pouschine *et al.* and Shwartz. The cited motivations are based on hindsight from viewing the claims of the present application.

Applicant respectfully submits that in view of these amendments and the remarks expressed above regarding the rejections under §103(a), claims 1, 10, 19, and 21 are now allowable over the cited art of record. Each of the remaining claims depends from either claim 1, 10 or 19, and is therefore allowable for at least the reasons expressed above.

**CONCLUSION**

Since the cited references, taken either singly or in combination, fail to teach or suggest the combinations set forth in the pending claims, and further fail to provide any motivation or suggestion of the desirability of modifying the structures or methods to arrive at the claimed combinations, Applicant submits that the pending claims are allowable over the cited references. Accordingly, Applicant respectfully requests that the Examiner withdraw his rejections, allow the pending claims and pass the application to issue.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

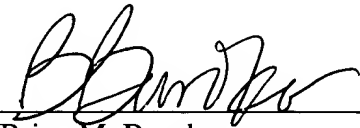
If there are any fees due under 37 C.F.R. §1.116 or §1.117 which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: August 16, 2004  
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